

ORDINANCE NO. 2003-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, CREATING SECTION 18-73 OF ARTICLE III OF CHAPTER 18 OF THE CODE OF LAWS OF LEON COUNTY FLORIDA, ENTITLED "KILLEARN LAKES UNITS I AND II SPECIAL DEVELOPMENT ZONE," RELATING TO SEPTIC TANK STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Leon County finds that poor soil conditions, perched water tables, small lot size development, inadequate stormwater drainage and inaccurate water table indicators are contributing to a high failure rate of septic tank systems in Killearn Lakes Units I and II, which has the potential to create a significant adverse impact on the health, safety and welfare of the residents of Killearn Lakes Units I and II and Leon County in general; and

WHEREAS, the predominant soils in Killearn Lakes Units I and II have severe limitations for septic tank use based on USDA Soil Conservation Service Ratings. The soils are typified by the Dothan series and are characterized by slow permeability, perched water tables and excessive slopes; and

WHEREAS, Dothan type soils range from loamy sand and sandy loam in the first eighteen inches (18") to sandy clay loam for the rest of the profile. The first eighteen inches (18") of the profile accepts water at a relatively faster rate than the rest of the soil profile. Water moving vertically through the profile is slowed the deeper it travels. This causes the faster moving downward flow of water to "perch" above the deeper and slower moving flow resulting in an artificial water table; and

WHEREAS; Killearn Lakes Unit I and II utilize a stormwater drainage system known as "sheetflow." This concept allows stormwater to flow along the natural contours to a main discharge area or areas. Because of its dependency on the natural contours to provide drainage, sheetflow systems may be hindered by development that alters natural contours; and

WHEREAS, due to the predominant soil types, perching of the groundwater, and elevation of the wet season water table, many septic tanks in Killearn Lakes Units I and II have been required to be mounded systems, meaning that the drainfield is elevated by the use of fill material to meet the requirement that a minimum distance is maintained between the bottom of the drainfield and the top of the wet season water table to ensure adequate percolation; and

WHEREAS, mounded systems alter the natural contours relied upon for the sheetflow stormwater drainage system, flooding of properties has occurred and is occurring with more frequency as the region moves from drought conditions to more normal rainfall conditions; and

WHEREAS, due to perched water tables and inadequate water table indicators, mounded septic systems are failing at an increasing rate in Killearn Lakes Units I and II because the minimum distance between the bottom of the drainfield and the top of the water table cannot be maintained; and

WHEREAS, a sheetflow stormwater drainage system combined with failing mounded septic systems produces the conveyance of effluent, and at times, partially treated sewage, from property to property along the sheetflow route. The Board of County Commissioners has heard extensive testimony from residents of the area concerning the failure of individual systems and the presence of effluent and partially treated sewage in the stormwater runoff.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Section 18-73 of Article III of Chapter 18 of the Code of Laws of Leon County, Florida, is hereby created to read as follows:

Section 18-73. Killearn Lakes Units I and II Special Development Zone.

(A) Within the platted subdivisions known as Killearn Lakes Unit I, recorded in the Public Records of Leon County at Plat Book 6, Page 26 A-L, and Killearn Lakes Unit II, recorded at Plat Book 6, Page 39, the following septic tank standards shall apply:

(1) No mound systems, as defined in this Article, shall be permitted;

(2) All systems shall be required to:

(a) utilize Aerobic Treatment Units (ATUs) as defined in Section 64E-6.002, Florida Administrative Code, meeting the standards for construction, maintenance and operation set forth in Section 64E-6.012, Florida Administrative Code; or

(b) utilize an alternative treatment systems or performance based systems, as defined in Chapter 64E-6, Florida Administrative Code, demonstrated to produce an effluent quality consistent with the standards in required in Chapter 64E-6 for ATUs;

(3) All systems must be designed and sealed by a Florida registered Professional Engineer;

(4) The design engineer must demonstrate that the system will have no adverse impact on the function of existing septic systems in the subdivision, nor an adverse impact on the stormwater drainage system for the subdivision and the subsurface ground water quantity or quality;

(5) The design engineer must sign and seal a no adverse impact letter in substantially the following form:

"I hereby certify that development of Lot ____ Block ____ Killearn Lakes Unit ____ as designed, will have no adverse impact to existing development with respect to stormwater drainage, subsurface ground water and/or the satisfactory function of existing septic systems."

and;

(6) The design engineer must guarantee the system against failure for a period of five (5) years from the date of installation and secure a bond to assure same, in a reasonable amount to be determined by the County.

Section 2. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. **Effective date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2003.

LEON COUNTY, FLORIDA

By: _____
Tony Grippa, Chairman
Board of County Commissioners

ATTESTED BY:

BOB INZER, CLERK OF THE COURT

By: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
HERBERT W.A. THIELE
COUNTY ATTORNEY